

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DAMASO JOSE HERRERA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:22-cv-333
	)	
KILOLO KIJAKAZI,	)	
Acting Commissioner of	)	
Social Security,	)	
	)	
Defendant.	)	

**ORDER**

On August 30, 2023, the United States Magistrate Judge's Memorandum Opinion and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 15, 16.) No objections were filed within the time limits prescribed by Section 636.


Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS HEREBY ORDERED** that the Magistrate Judge's Recommendation, (Doc. 15), is **ADOPTED. IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment, (Doc. 10), is **GRANTED**, Defendant's Motion for Judgment on the Pleadings, (Doc. 13), is **DENIED**, that the Commissioner's decision finding no disability is **REVERSED**, and that this matter is **REMANDED** to the Commissioner under sentence four of 42 U.S.C. § 405(g). The Commissioner is directed to remand the matter to the

Administrative Law Judge for further consideration of Plaintiff's claim in light of this recommendation.

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 18th day of September, 2023.

  
United States District Judge